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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,

Plaintiff

v.

WEXFORD HEALTH SERVICES, INC.,

Defendant

CIVIL ACTION NO. 1:CV-00-1534

(Judge Rambo)
(Magistrate Judge Smyser)

FILED
HARRISBURG, PA

FEB 26 2001

MARY E. D'ANDREA, CLERK
Per MN
Deputy Clerk

ORDER

Before the court is an appeal by Plaintiff from the magistrate judge's order dated February 2, 2001, denying Plaintiff's request for a second extension of time to file and serve a brief in opposition to Defendant's motions to dismiss and to revoke Plaintiff's in forma pauperis status. Plaintiff was previously granted an extension to January 25, 2001 to file his opposition brief.

Plaintiff alleges that on or about January 10, 2001, he had a mental relapse and that on January 29, 2001, he was transferred to SCI Pittsburgh for evaluation. His second petition for an extension of time is dated January 23, 2001, and was filed on January 29, 2001. His appeal to this court is dated February 11, 2001, and was filed on February 16, 2001. Both the second request for extension of time and the appeal are coherent and do not reflect any lack of a mental capacity on the part of Plaintiff. It also appears that prior to his mental relapse, Plaintiff had 30 days of his 45 day extension in which to prepare his brief in opposition. Plaintiff is notorious for seeking extensions of time in all his cases in that he has numerous actions before this court which requires him to juggle his briefing schedule.

However, since his transfer to SCI Pittsburgh, Plaintiff alleges he has been unable to obtain his file in the captioned matter. Accordingly, this court will grant an extension to March 25, 2001; however, no additional extension of time will be granted regardless of Plaintiff's status.

Accordingly, **IT IS HEREBY ORDERED THAT:**

- 1) The magistrate judge's order of February 2, 2001, is reversed and Plaintiff is granted leave until March 25, 2001 to file his opposition brief.
- 2) No further extensions will be granted under any circumstances.
- 3) The order of the magistrate judge dated February 12, 2001, is vacated pending the filing by Plaintiff of his opposition brief and further consideration by the magistrate judge.
- 4) The magistrate judge shall reinstate his order of February 12, 2001, if Plaintiff fails to file a timely brief.
- 5) The captioned action is remanded to Magistrate Judge Smyser.

Dated: February 26, 2001.


SYLVIA H. RAMBO
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

February 26, 2001

Re: 1:00-cv-01534 Jae v. Wexford Health Serv

True and correct copies of the attached were mailed by the clerk
to the following:

John Richard Jae
SCI-P
SCI at Pittsburgh
BQ-3219
P.O. Box 99901
Pittsburgh, PA 15233


James D. Young, Esq.
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cc:		
Judge	(X)	() Pro Se Law Clerk
Magistrate Judge	(X)	() INS
U.S. Marshal	()	() Jury Clerk
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Federal Public Defender	()	
Summons Issued	()	with N/C attached to complt. and served by: U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5	()	
Order to Show Cause	()	with Petition attached & mailed certified mail to: US Atty Gen () PA Atty Gen () DA of County () Respondents ()
Bankruptcy Court	()	
Other	()	

MARY E. D'ANDREA, Clerk

DATE: February 26th, 2001

BY:


Deputy Clerk